IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1667 OF 2005

Dinesh Shama Hegde ...Petitioner
V/s.
Nishanta Builders Pvt.Ltd. & Ors. ...Respondents

Mr.Sanjay Mishra i/b. M/s.Sanjay Associates for the Petitioner.
Mr.N.N. Bhadrashete for Respondent No.1.
Mr.Milind More, AGP for Respondent Nos.2 to 4.

CORAM : V.M. KANADE, J.

DATED : JUNE 21, 2007

P.C. :-

1. Heard the learned Counsel for the petitioner, the learned Counsel for respondent no.1 and the learned AGP for respondent nos.2 to 4.

2. The petitioner is aggrieved by the Order passed by the Deputy Registrar of Co-operative Societies, 'L' Ward, Navi Mumbai, whereby the proposal which was made by the petitioner herein dated 13th September, 2004 for the registration of a co-operative society was rejected by respondent no.2 and the said order was further confirmed by the Divisional Joint Registrar in appeal.

3. It is the contention of the learned Counsel appearing for the petitioner that he had complied with all the necessary formalities and yet the proposal was wrongly rejected. After the petition was filed, respondent no.1 has filed an undertaking in this Court in which he has stated that after the society is registered, he will convey the land in favour of the said Housing Society.

4. Both the parties, the petitioner and respondent no.1 have filed Minutes of Order in which it is stated the petitioner and respondent no.1 have amicably settled their dispute and that respondent no.1 shall give his consent and cooperation for the registration of the society as per the proposal submitted on 13th September, 2004 by the petitioner for the formation and registration of the society. The learned Counsel for respondent no.1, on instructions, from his client also undertakes to provide all relevant documents which are in his possession and forward the same to the Deputy Registrar-Respondent no.2 herein.

5. The said Minutes of Order are taken on record and marked "X" for identification. In view of the undertaking given by respondent no.1 and the consent terms which are filed by the petitioner and respondent no.1, the impugned order passed by the Divisional Joint Registrar and Deputy Registrar, respondent nos.3 and 2 herein, is quashed and set aside.

6. The petitioner shall give a fresh proposal. Respondent no.1 shall give his consent and cooperation with the process of registration of the society. The Deputy Registrar shall after receipt of the said proposal for the registration of the society comprising of nine buildings which shall be duly signed by 60% of the members shall decide the said application, as expeditiously as possible within eight weeks from the date the proposal is submitted by petitioner no.1.

7. With these directions, Rule is made absolute in the above terms. Writ petition is disposed of accordingly.

(V.M. KANADE, J.)